



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,445	11/12/2003	Mitsutoshi Shinkai	450100-04809	8690

7590 02/22/2008
William S. Frommer, Esq.
FROMMER LAWRENCE & HAUG LLP
745 Fifth Avenue
New York, NY 10151

EXAMINER

WENDMAGEGN, GIRUMSEW

ART UNIT	PAPER NUMBER
----------	--------------

2621

MAIL DATE	DELIVERY MODE
-----------	---------------

02/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/706,445

Applicant(s)

SHINKAI ET AL.

Examiner

Girumsew Wendmagegn

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-5, 7-24 and 26-34 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-24 and 26-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/3/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Response to Arguments

Applicant's arguments filed 12/05/2007 have been fully considered but they are not persuasive.

On page11, applicant argues that Harradine does not teach or suggest content editing assistance system comprising an editor for editing the electronic-mark-list data, wherein, when special content data representing special content is included in the content data, the mark generator generates electronic mark data relating to the special content data. However Examiner respectfully disagrees. Harradine, on page4 paragraph 0038 describes different kinds of Meta data, which includes information about introduction of new face (special content).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim1-5, 7-24, 26-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Harradine et al (Pub. No. US 2002/0152082).

Regarding claim1, Harradine et al (hereinafter Harradine) anticipates a content editing assistance system comprising: a mark generator for generating electronic mark data relating to content data; a take-metadata generator for generating a take-metadata

file based on the electronic mark data generated for each take; a manager for managing the content data and the take-metadata file relating to the content data as separate files; a list generator for generating electronic-mark-list data based on the take-metadata file; and an editor for editing the electronic-mark-list data (see page3 paragraph 0031-0032), wherein, when special content data representing special content is included in the content data, the mark generator generates electronic mark data relating to the special content data (see page4 paragraph 0038).

Regarding claim2, 21, 33, Harradine anticipates a video processing apparatus comprising: a mark generator for generating electronic mark data relating to content data; a take-metadata generator for generating a take-metadata file for each take, based on the electronic mark data (see page7 paragraph 0071 meta data generation processor); and a manager for managing the content data and the take-metadata file relating to the content data as separate files (see page7 paragraph 0073) wherein, when special content data representing special content is included in the content data, the mark generator generates electronic mark data relating to the special content data (see page4 paragraph 0038).

Regarding claim3, 22 Harradine anticipates a video processing apparatus according to Claim 2, wherein the content data and the electronic mark data included in the take-metadata file are associated with each other by a time-information code that allows the content data to be identified on a frame basis (see page7-8 paragraph 0075).

Regarding claim4, 23, Harradine anticipates a video processing apparatus according to claim2, wherein the manager records the content data and the take-metadata file on a recording medium as separate files (see page7-8 paragraph 0075).

Regarding claim5, 24 Harradine anticipates a video processing apparatus according to claim2, wherein the take corresponds to an imaging process that is continued from a start to an end of a single recording operation (see page7 paragraph 0072).

Regarding claim7, 26, Harradine anticipates a video processing apparatus according to claim 6, wherein the special content data includes flash video data captured with flashing of light (see page4 paragraph 0038).

Regarding claim8, 27, Harradine anticipates a video processing apparatus according to claim6, wherein the special content data includes large-sound-volume audio data recorded at an audio output level exceeding a limit value of audio output level (see page4 paragraph 0038).

Regarding claim9, 28 Harradine anticipates a video processing apparatus according to claim2, wherein the take-metadata file includes the electronic mark data and a time-information code (see page7-8 paragraph 0075).

Regarding claim 10, 29 Harradine anticipates a video processing apparatus according to Claim 2, wherein the manager records the content data captured in each take and the take-metadata file relating to the content data together on a recording medium (see page 7 paragraph 0073).

Regarding claim 11, 30 Harradine anticipates a video processing apparatus according to Claim 2, wherein the manager records the take-metadata file relating to the content data in a region of a recording medium, the region being separate from a region where the content data captured in each take is recorded (see page 7 paragraph 0073).

Regarding claim 12, Harradine anticipates a video processing apparatus according to claim 2, further comprising an imager for capturing the content data (see figure 6 element 101).

Regarding claim 13, 31 Harradine anticipates a video processing apparatus according to claim 2, wherein the electronic mark data includes an index of the content data (see page 4 paragraph 0038).

Regarding claim 14, 32, 34, Harradine anticipates a playback apparatus for playing back content data, comprising: a player for playing back data recorded on a recording medium (see page 3 paragraph 0031); and a list generator for generating electronic-mark-list data based on a take-metadata file generated for each take and

recorded on the recording medium together with the content data (see page3 paragraph 0031) wherein, when special content data representing special content is included in the content data, a mark generator generates electronic mark data relating to the special content data (see page4 paragraph 0038).

Regarding claim15, Harradine anticipates a playback apparatus according to claim14, wherein the take corresponds to an imaging process that is continued from a start to an end of a single recording operation (see page7 paragraph 0073).

Regarding claim16, Harradine anticipates an editing apparatus comprising: an editor for editing electronic-mark-list data that is generated based on a take-metadata file generated for each take and recorded on a recording medium; and a display controller for displaying the electronic-mark-list data (see page3 paragraph 0031) wherein, when special content data representing special content is included in content data, a mark generator generates electronic mark data relating to the special content data (see page4 paragraph 0038).

Regarding claim17, Harradine anticipates an editing apparatus according to claim16, wherein the take corresponds to an imaging process that is continued from a start to an end of a single recording operation (see page7 paragraph 0073).

Regarding claim18, Harradine anticipates an editing apparatus according to claim16, wherein the take-metadata file includes the electronic mark data relating to the content data and a time-information code (see page7 paragraph 0073).

Regarding claim19, Harradine anticipates an editing apparatus according to claim16, wherein the editor generates editing-list data for editing content data, based on the electronic-mark-list data (see page3 paragraph 0031-0032).

Regarding claim20, Harradine anticipates an editing apparatus according to claim16, wherein the editor adds electronic mark data to the electronic-mark-list data (see page3 paragraph 0031-0032).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Application/Control Number:
10/706,445
Art Unit: 2621

Page 8

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Girumsew Wendmagegn whose telephone number is 571-270-1118. The examiner can normally be reached on 7:30-5:00, M-F, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (toll-free) (USA OR CANADA) or 571-272-1000.

Thai Tran

Supervisory Patent Examiner

Girumsew Wendmagegn